

RESOLUTION NO. 4178

COMBINATION OF SURPLUS PROPERTY OVER AND UNDER
\$2 500.

WHEREAS, by Public Law 655, 84th Congress (70th Stat. 493), the Federal Government has authorized the donation of surplus Federal Property for civil defense purposes; and

WHEREAS, certain conditions are imposed by the Defense Civil Preparedness Agency, Region Seven, the Department of Health, Education and Welfare, the California Office of Emergency Services, and the State Educational Agency for Surplus Property, in connection with the acquisition of such property; and

WHEREAS, the City of Lodi desires to establish its eligibility for such property;

IT IS, THEREFORE, certified that:

I. It is an emergency services organization designated pursuant to State law, within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Department of Health, Education and Welfare.

11. Property requested by this document is usable and necessary in the State for emergency service purposes, including research for any such purpose; as required for its own use to fill an existing need: and is not being acquired for any other use or purpose, for use outside of the State, or for sale.

111. Funds are available to pay the costs of care and handling incident to donation, including parking, preparation for shipping, loading, and transporting such property.

THE DONEE HEREBY AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

I. TERMS AND CONDITIONS APPLICABLE TO ALL PROPERTY, REGARDLESS OF ACQUISITION COST, DONATED FOR EMERGENCY SERVICE PURPOSES:

A. Property acquired by the donee shall be on an "as is" "where is" basis, without warranty of any kind.

B. There will also be applicable such other terms and conditions as are contained in the regulations of the Office of Civil Defense, Office of the Secretary of the Army, Part 1802 of Chapter XVIII of Title 32 of the Code of Federal Regulations.

II. ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO PROPERTY HAVING A SINGLE ITEM ACQUISITION COST OF \$2500 OR MORE DONATED FOR EMERGENCY SERVICE PURPOSES:

A. All such property shall be distributed and, during the period of restriction, be properly maintained in good operational condition and stored, or installed or utilized only as necessary to achieve a state of operational readiness as required by the emergency service mission assigned to the donee in accordance with the emergency operational plans of the State and, where applicable, local government (which are in consonance with national emergency objectives, as now or hereafter amended).

B. Except as otherwise expressly provided herein below and unless and until expressly waived in writing by the Regional Director of the Defense Civil Preparedness Agency, on a case basis, the period of restriction for all items of property donated having a single item acquisition cost to the Federal Government of \$2500 or more shall be four years from the date of donation. The specific exceptions are as follows:

1. Motor Vehicles, Federal Supply Classification (**FSC**) Group 23 -- for which a two-year period of restriction shall apply.

2. Items of property donated having a unit fair market value of \$25.00 or more, but **less** than \$2500 government acquisition cost, for which a one-year period of State restriction shall apply.

3. Terms and conditions applicable to aircraft and to vessels measuring 50 feet or more in length are specific exceptions to all of this section; but the provisions are those specified in the appropriate conditional transfer documents in accordance with regulations of the Department of Health, Education and Welfare.

C. During the period of restriction, the property shall not be sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without the specific prior written approval of the Regional Director of the Defense Civil Preparedness Agency or the Director of the Office of Emergency Services.

D. If, during the period of restriction, property is no longer suitable, usable, or further needed for the purpose for which acquired, the donee shall promptly notify the Defense Civil Preparedness Agency, through the Office of Emergency Services and shall, as directed by the Defense Civil Preparedness Agency, retransfer the property to such department or agency of the United State of America or such other donee as may be designated by the Defense Civil Preparedness Agency.

E. In the event any of the terms and conditions set forth in this section are breached, all right, title, and interest in the property involved shall, at the option of the Defense Civil Preparedness Agency, revert to the United States of America. In addition, where there has been an unauthorized disposal or improper use, the donee, at the option of the Defense Civil Preparedness Agency, shall be liable to the United States of America for all damages. Where the property is not returned to possession and ownership of the United States of America or where property has been improperly used, the donee shall be liable to the United States of America and all proceeds shall be deemed to have been received and held in trust for the United States of America and the donee shall promptly remit the same to the Defense Civil Preparedness Agency. When the fair market value or rental value of the property at the time of such disposal or improper use is greater than the proceeds derived from such action, the donee shall, at the option of the Defense Civil Preparedness Agency, also be liable for and promptly remit the difference between such proceeds and such value, as determined by the Defense Civil Preparedness Agency. The remedies provided in this paragraph (E) of this section are in addition to administrative compliance measures, and all civil remedies and criminal penalties provided by law.

NOW, THEREFORE, IT IS RESOLVED by the City Council of said City that:

- a. Jack L. Ronsko, Public Works Director
- b. Richard Wiech, Building and Equipment Maintenance Supervisor

are hereby designated as the authorized representatives of said City to sign for and accept surplus Federal property, regardless of acquisition cost, in accordance with the conditions imposed by the above agencies; and be it

FURTHER RESOLVED that this resolution of authorization shall remain in full force and effect until superseded or rescinded by resolution of this Council transmitted in duplicate to the California Office of Emergency Services; and be it

FURTHER RESOLVED that the Clerk of this Council is hereby authorized and directed to send ~~two~~ (2) certified copies of this resolution to the California Office of Emergency Services, for filing with said Office and with the State Department of Education.

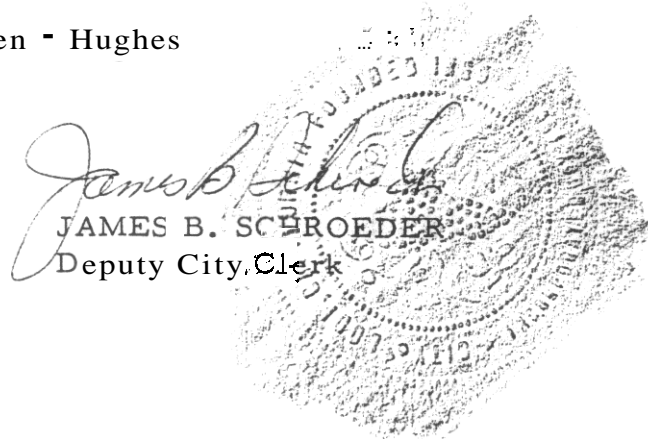
Dated: March 17, 1976

I hereby certify that Resolution No. 4178 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 1976 by the following vote:

Ayes: Councilmen - Ehrhardt, Katnich, Katzakian and
Pinkerton

Noes: Councilmen - None

Absent: Councilmen - Hughes


JAMES B. SCHROEDER
Deputy City Clerk